

DOCUMENT RESUME

ED 148 005

EA 010 206

TITLE APEG: Adequate Program for Education in Georgia Act (Revised). Georgia Code Annotated Chapter 32-6A.
 INSTITUTION Georgia State Dept. of Education, Atlanta.
 PUB DATE 77
 NOTE 51p.; For a related document, see ED 109 816
 EDRS PRICE MF-\$0.83 HC-\$3.50 Plus Postage.
 DESCRIPTORS Educational Finance; Educational Programs; Elementary Secondary Education; Equalization Aid; *Instructional Programs; Intermediate Administrative Units; Pupil Personnel Services; Resource Allocations; School Superintendents; School Systems; *State Aid; State Boards of Education; *State Legislation; *State Standards
 IDENTIFIERS *Georgia

ABSTRACT

This chapter of the Georgia code known as the "Adequate Program for Education in Georgia Act" presents the state's policies on education. Major divisions of the chapter deal with instructional services; supportive services; cooperative education service agencies; grants to local units for operation of educational programs; district power equalization; capital outlay funds; program standards, assessments, and improvements; and powers and duties of the state board of education, state superintendent of schools, and local units of administration. (IRT)

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Adequate Program for Education in Georgia Act

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CHAPTER 32-6A. ADEQUATE PROGRAM FOR EDUCATION IN GEORGIA

I. SHORT TITLE AND PURPOSE

32-601a Short title

This Chapter shall be known and may be cited as the "Adequate Program for Education in Georgia Act."

32-602a Establishment of Adequate Program for Education in Georgia

The General Assembly of Georgia, recognizing the need for: Providing an equitably financed public educational structure assuring each Georgian an adequate educational opportunity; establishing and maintaining common minimum standards on a statewide basis which ensure that each child may attend a standard and certified school; providing each child with access to a quality program which will allow personal development as well as career training; an adequate program of general education which will provide students with the knowledge and understanding necessary to develop good physical and mental health, to deal effectively and responsibly with others, to participate actively in the governing process, to conserve the environment, and to be effective workers and responsible citizens; providing for a program assessment and improvement plan which focuses on staff development first, and then on the processes for change which include adequate planning, research and experimental programs leading to continued improvement of public education in Georgia; making teaching as attractive and rewarding a profession as possible in order to attract, hold and fully utilize competent professional personnel in the public school systems in this State; providing for the most efficient use of the school facilities so that a broader curriculum and more flexible programming will be available to students throughout the calendar year; providing a method whereby all Georgians shall pay their fair share of the cost of such programs; providing a means whereby the foregoing needs might more readily be met in order to provide an adequate education for the citizens of the State and to discharge the responsibilities and obligations of the State to ensure a literate and informed society does hereby establish an Adequate Program for Education in Georgia for its citizens.

II. INSTRUCTIONAL SERVICES

32-603a Policy of the State as to instructional services

It is hereby declared to be the policy of the State of Georgia to assure that each Georgian has access to quality instruction designed to

develop his capacities to the maximum through programs that meet his developmental and remedial educational needs. To implement this policy, the State shall assure that funds will be available for instructional personnel, media and equipment, and other necessary operating expenses for general and occupational education for children, youth and adults, including those with special needs.

32-604a General and occupational education

(a) Except as otherwise provided by subsection (b) of this Section, all children who have attained the age of six by December 31 of a fiscal year and all youth who have not yet received a high school diploma or its equivalent shall be eligible for enrollment in the general education and occupational programs, including teenage students who are married or unmarried, a parent, or pregnant. Provided, however, the State Board of Education shall have authority to determine the eligibility of young children and adults for enrollment in programs of early childhood education and adult education programs of general, basic, and vocational education. The local units of administration shall have the authority to assign students who are married or unmarried, pregnant, or a parent, or a combination thereof, to programs of instruction within its regular daytime educational program; provided, that a local unit of administration may develop and implement special programs of instruction limited to such students within the regular daytime educational program. These programs may include instruction in prenatal care and child care. It is hereby declared to be the policy of the State of Georgia that general and occupational education be integrated into a comprehensive educational program which will contribute to the total development of the individual. Therefore, it is in the student's best interest to promote coordination and cooperation between the schools and the community, including business and industry, to provide the students an opportunity to participate in and learn from community life. It is declared further that the major goal of this integrated program shall be to prepare students for adult life, including preparation for a job or advanced study, or both, in his chosen career field.

(b) Beginning with the first fiscal year following the fiscal year that 32-607a of this Act, providing for preschool education is fully implemented and funded on a Statewide basis, or in any event not later than September 1, 1978, all children shall have attained the age of six by September 1 of a fiscal year in order to be eligible for enrollment in the general education and occupational programs provided for by this Act. Until such time, any local unit of administration, at its option, may require children to have attained the age of six by any date not

earlier than September 1 or later than December 31 of a fiscal year in order to enroll in the local unit's general education and occupational program.

32-605a Special education

(a) All children and youth who are eligible for the general education program, preschool education, or who have special educational needs and three and four year old children who are either physically, mentally or emotionally handicapped or perceptually or linguistically deficient shall also be eligible for special education services. Children, ages 0-5 years, whose handicap is so severe as to necessitate early education intervention may be eligible for special education services. Children and youth with special needs are those who have emotional, physical, communicative, or intellectual deviations, or a combination thereof, to the degree that there is interference with school achievements or adjustments, or prevention of full academic attainment and who require modifications or alterations in their educational programs. This definition includes children who are intellectually gifted, mentally retarded, physically handicapped, speech handicapped, behaviorally disordered, hospital or homebound, handicapped by a specific learning disability, multihandicapped, autistic, hearing impaired, visually impaired and any other areas of special needs which may be identified. The State Board of Education shall adopt classification criteria for each area of special need to be served on a Statewide basis, both for students to be served in a self-contained setting and those who can be served effectively in the regular classroom by itinerant personnel.

(b) Local units of administration shall, subject to any limitations hereinafter specified, provide a special education program for all students with special needs who are residents of their school systems, either by establishing and maintaining such educational facilities and employing such professional workers as are needed by these students or by entering into a contract with other school systems or Cooperative Educational Service Agencies for such services.

(c) The State Board of Education shall have the authority to provide educational and training services for children who have special educational needs such as emotional, physical, communicative, or intellectual deviations, or any combination thereof, to the degree that there is interference with school achievements or adjustments, or prevention of full academic attainment, and who require modifications or alterations in their educational program. This definition includes children who are mentally retarded, physically handicapped, speech handicapped, multiple handicapped, autistic, intellectually gifted, hear-

ing impaired, visually impaired, and any other areas of special needs which may be identified. The State Board of Education may provide such educational and training services by:

(1) contracting with or making grants to suitable private or public institutions, or with both public and private institutions, inside or outside the State of Georgia for the provision of such services;

(2) contracting with suitable public agencies and departments, including institutions in which eligible children are confined and outpatient centers serving eligible children, inside and outside the State of Georgia, for the provision of such services; or

(3) entering into reciprocal agreements with other states or political subdivisions thereof for the provision of such services.

(d) The State Board of Education may promulgate any rules, regulations and standards and establish the terms and conditions governing the provision of State aid hereunder and perform any and all acts necessary or proper to carry out the provisions, intent and purpose of this section.

(e) It is further provided that every child and youth eligible for special education services shall have access to a quality program on or before two years after the date this Act becomes law.

32-606a Compensatory education

(a) The State Board of Education shall promulgate rules, regulations and standards and establish the terms and conditions necessary to implement programs of compensatory education. Compensatory education shall include, but shall not be limited to, programs of remedial reading, mathematics, and such other programs as are needed.

(b) The State Board of Education shall annually determine the number of students needing compensatory education and the estimated State cost of such program for the next fiscal year, and submit such information to the Office of Planning and Budget.

32-607a Preschool education

(a) A preschool program which shall be at least on a one-half day basis for a 180-day school year shall be made available to all children who have attained age 5 by September 1 of a fiscal year.

(b) It is hereby declared to be the policy of the State of Georgia that the principal responsibility for developmental skills of young children lies with the parents and that the purpose of this program is to supplement the resources which parents have available to meet the distinctive mental, physical and emotional needs of their children. In acknowledgment of this policy, enrollment of children into the

preschool program will be on a voluntary basis, except in those school districts which by law now require attendance in a public preschool program.

32-608a Adult education

(a) The State Board of Education shall maintain an Adult General Education Program within the State. This program shall provide instruction in basic skills and subjects to individuals 18 years of age and older who have left school and who have less than an eighth grade education or its equivalent. Instruction in a variety of skills and subjects may be provided for individuals who have more than an eighth grade education or its equivalent. Priority shall be given to elimination of illiteracy in the State and to the attainment of a General Educational Development (GED) equivalency diploma. Programs of general education for adults should serve to improve the ability of the individual to profit from occupational training and meet adult responsibilities more effectively.

(b) The State Board of Education is hereby authorized and empowered to receive Federal funds allotted to Georgia under acts of Congress appropriating Federal funds for Adult Education. The Board shall establish policies, regulations, and standards relating to implementation and operation of general education programs for adults. To be eligible for State and Federal funds, all programs shall be operated in accordance with the State Board of Education policies, regulations, and standards. The provisions of any other Section of this Act notwithstanding, the State Board shall annually request of the General Assembly funds for Adult General Education and is hereby authorized to utilize such State and Federal funds to contract with local units of administration and other public agencies to finance Adult General Education for eligible individuals.

32-609a Establishment of other special programs of education; allotment of teachers and other personnel; sharing of costs

(a) The State Board of Education shall have authority to provide for implementation of other educational programs not ordinarily coming within the prescribed curricula of the public schools, which may or may not require use by local units of additional specially qualified personnel and special equipment necessitating allotment of additional personnel and funds. The State Board is authorized to establish priorities, standards and criteria for implementation and operation of such programs as the board may, in its discretion, find necessary or desirable to implement on a Statewide basis. Local units may, prior to implementation of such programs by the State Board,

implement such programs locally in accordance with criteria and standards prescribed by the State Board. The State Board shall, upon implementation of such programs, establish a uniform basis for allotment of additional personnel and funds if such additional allotments are necessary for operation of such programs.

(b) The State Board of Education shall annually determine the amount of funds needed for operation of the State schools for the deaf and blind and such other special schools for exceptional persons as may be established by the State Board of Education. Such funds shall be made available for the operation of these schools under rules and regulations prescribed by the State Board of Education.

(c) The State Board of Education shall annually determine the amount of funds needed for elementary and secondary programs operated within correctional institutions, hospitals, mental institutions and other such programs. The State Board of Education shall annually allot additional funds to local units of administration wherein State Boards maintain an institution primarily for the detention of persons within school age, and operates within such institution an elementary, secondary or vocational school for the education of such school age children, which shall be sufficient to enable the local unit to furnish certified teachers and other professional personnel to such school and institution in accordance with the State minimum salary schedule: Provided, however, that the course of instruction offered in such school shall meet minimum academic requirements and standards prescribed for operation of the public schools of the local unit. The State Board is authorized, in its discretion, to make an allotment of additional funds to the local unit for employment of such teachers and other professional personnel for an additional two months during the fiscal school year where the school in such institution is operated on a 12-month basis.

(d) The State Board of Education is hereby authorized to inaugurate a student honors program for pupils in the public and private high schools of this State who have manifested exceptional abilities, unique potentials, or who have made exceptional academic achievements. Such program may be conducted during summer months between normal school year terms at institutions of higher learning or other appropriate centers within this State with facilities adequate to provide challenging opportunities for advanced study and accomplishments by such students. The student honors program shall be implemented and operated in accordance with criteria to be established by the State Board, and operating and pupil costs and expenses may be paid by the State Department of Education from

funds made available for this purpose by the State Board. The State Board is authorized to enter into cooperative agreements with the Board of Regents for operating and sharing the costs of such programs.

(e) The State Board of Education is hereby authorized to engage in or to otherwise make provision for educational research into all methods of instruction and education of children and youth, to sponsor conferences, study groups and workshops, and to conduct research or education demonstrations, experimentation, field tests and such other projects as may, in the opinion of the board, tend to support, improve or strengthen the public school system of this State, the quality of education provided Georgia's children and youth in the public schools of this State and the qualifications and technical skills of professional personnel employed in the public schools of this State, and is hereby authorized to employ or contract for the services of specialists and others as may be necessary or desirable for such purposes and to cooperate with public school systems and public and private educational institutions and agencies within or without the State for such purposes. The State Board may provide for the allotment of education funds for the purposes provided for in this section.

(f) The State Board of Education may allot funds to local units of administration in accordance with a local plan for staff development to improve their personnel provided that the plan has been approved by the State Board. Funds for staff development shall be based on the number of professional units allotted by the State Board to local units of administration. The State Board shall be authorized to make payments for additional activities beyond the regular school day or year as an integral part of the plan for staff development. It is further provided that the State Board of Education may allot funds to support supervision and assessment activities for student teachers and beginning teachers in accordance with an approved program that meets standards established by the State Board. The supervision and assessment of student teachers and beginning teachers may include support to supplement the salaries of instructional personnel who supervise student teachers and beginning teachers. The State Board of Education is authorized to establish the rate for reimbursement of said salary supplements.

32-610a Allotment of instruction units; amount of funds needed for payment of salaries of instructional personnel

(a) The State Board of Education shall annually allot instructional units to local units of administration on the following basis and adjusted as provided for in sections 32-637a and 32-642a:

(1) General education: one instructional unit per 25 pupils in

average daily attendance in grades 1-12: Provided, however, in those systems that do not provide an education program approved by the State Board of Education containing both general and vocational education, the instructional unit ratio shall be one instructional unit per 27 pupils in average daily attendance in grades 6-12.

(2) Vocational education: one instructional unit for each three State approved vocational education teachers in grades 7-12.

(b) During a fiscal year the amount of funds distributed to any local unit for this purpose shall not be excess of the amount actually required by the local unit for payment of salaries of instructional personnel actually employed by the local unit of administration. The amount of funds needed by a local unit to pay salaries of instructional personnel shall be determined in one of the following manners for each instructional unit allotted, either:

(1) the State minimum salary on a 10-months basis as provided for in section 32-656a if a certified teacher is employed for the instructional unit; or

(2) the average salary for certificated professional personnel with a bachelor's degree funded under this section if licensed instructional personnel are employed for the instructional unit.

(c) A local unit of administration may use up to one-third of the funds earned from its allotted instructional units to employ instructional personnel: Provided, however, that the State Board of Education has approved the program improvement plan which describes how these funds will be utilized.

(d) The State Board of Education shall allot to each local unit of administration a full allotment unit for each major fraction above an allotment unit, pertaining to sections 32-605a, 32-607a, 32-610a, 32-612a, 32-620a, 32-621a, and 32-624a.

32-611a Career, occupational and vocational education

(a) The State Board of Education shall maintain a comprehensive program of career, occupational and vocational education. The purpose of this program shall be to provide occupational training and retraining to meet the needs of individual citizens and the manpower needs of business and industry within the State. This program shall be designed to prepare individuals for gainful employment, including homemaking, as semiskilled or skilled workers or technicians or subprofessionals in recognized occupations and in new and emerging occupations and to prepare individuals for enrollment in advanced technical education programs. This program shall provide for vocational guidance and counseling, instruction related to the occupation or occupations for

which the student is in training, and instruction necessary for students to benefit from such training. Activities related thereto may include, but shall not be limited to, vocational youth clubs; job placement and followup; leadership development; staff travel; student transportation; staff training and development; research, development and demonstration; special programs for handicapped, disadvantaged and gifted.

(b) Any other Section of this Act notwithstanding, the State Board shall annually determine the amount of funds needed to provide career, occupational and vocational education programs for in-school youth and for out-of-school youth and adults, and shall annually request the General Assembly to make such appropriations as are needed. The State Board of Education is hereby authorized and empowered as the sole State agency to receive Federal funds allotted to Georgia under the Vocational Education Act or other Acts of Congress appropriating Federal funds for career, occupational or vocational education or for career, occupational and vocational education.

(c) The provisions of any other Section of this Act notwithstanding, the State Board of Education is hereby authorized to provide funds to local units of administration and to other State and local agencies to be used for career, occupational and vocational education programs.

(d) The provisions of any other Section of this Act notwithstanding, the State Board of Education may adopt such salary and salary supplement schedules deemed necessary to carry out the provisions of subsection (c) hereof and shall establish policies, regulations, and standards relating to and necessary for the implementation of this Section.

32-612a Allotment of elementary instructional specialists: amount of funds needed for payment of salaries of such personnel

Annually, the State Board of Education shall allot elementary instructional specialists to local units of administration on the basis of one elementary instructional specialist per 15 instructional units in grades 1-7. The purpose of these elementary instructional specialists shall be to meet the special instructional needs of students in art, music, and physical education; provided, however, that during the fiscal year the amount of funds distributed to any local unit for this purpose shall not be in excess of the amount actually required by the local unit for payment of salaries of instructional specialists actually employed by the local unit. The amount of funds needed by a local unit to pay salaries of elementary instructional specialists shall be determined on a 10-month basis in accordance with the State minimum salary schedule

provided for in section 32-656a.

32-613a Instructional media

The amount of funds needed by a local unit of administration during a fiscal year for the maintenance, repair, and purchase of instructional media, including soft-covered as well as hard-covered text and library books and consumable as well as nonconsumable supplies, shall be determined by multiplying the number of instructional units allotted to the local unit under sections 32-605a, 32-610a and 32-612a by a sum of money which shall not be less than \$500. The State Board of Education shall have the authority to prescribe minimum requirements and standards for the purchase, distribution, and use of such instructional media, and for the use of funds allotted under this section.

32-614a Instructional equipment

The State Board of Education shall grant funds to local units of administration for the purchase, maintenance, repair and replacement of equipment for instructional laboratories and for special education classrooms. The State Board of Education shall have the authority to prescribe minimum requirements and standards for the purchase, distribution, and use of such instructional equipment, and for the use of funds allotted under this section.

32-615a Amount of funds needed for payment of maintenance and operation

The amount of funds needed by a local unit of administration during a fiscal year for maintenance and operation expenses for instructional programs not otherwise provided for in sections 32-610a through 32-617a shall be determined by multiplying the number of instructional units allotted to the local unit of administration under provisions of sections 32-605a, 32-610a and 32-612a by a sum of money not less than \$1,500. The State Board of Education shall define the term "maintenance and operation expenses" and shall have the authority to prescribe minimum requirements and standards for the distribution, use, and expenditure of funds allotted under this section.

32-616a Amount of funds needed for payment of sick and personal leave expenses

(a) The amount of funds needed by a local unit of administration during a fiscal year for sick and personal leave expenses shall be determined by multiplying the number of instructional units allotted to the local unit of administration under provisions of sections 32-605a, 32-610a, 32-611a, 32-612a, 32-620a, and 32-621a, by a sum of money not less than \$125. The State Board of Education shall have the

authority to prescribe minimum requirements and standards for the distribution, use and expenditure of funds allotted under this section.

(b) The amount of funds needed by a local unit of administration during a fiscal year for sick and personal leave expenses of school bus drivers shall be determined by multiplying the number of school busses allotted to a local unit of administration pursuant to Section 25 of this Act by a sum of money not less than \$75.00. The State Board of Education shall have the authority to prescribe minimum requirements and standards for the distribution, use and expenditure of funds allotted under this subsection.

32-617a Amount of funds needed for travel expenses

The amount of funds needed by a local unit of administration during a fiscal year for payment of travel expenses to be incurred by visiting teachers, instructional supervisors, itinerant special education personnel, personnel supervising high school students engaged in a work experience, and other local school personnel required to travel in connection with their assigned duties shall be determined by the State Board of Education in accordance with regulations prescribed by the State Board authorizing such travel and prescribing uniform rates, standards, requirements and allowances for such purposes.

32-618a Amount of funds needed for compensatory education expenditures

The State Board of Education shall have the authority to establish minimum requirements and standards for distribution, use, and expenditure of funds allotted to local units of administration to implement section 32-606a.

32-619a Amount of funds needed for driver education expenses

(a) The State Board of Education shall reimburse local units of administration for the direct cost of providing driver education programs to public school students who hold a valid driver's or learner's license: Provided, however, that the reimbursement does not exceed \$50 per student who successfully completes the program.

(b) The State Board of Education shall have the authority to establish minimum requirements and standards for distribution, use, and expenditure of funds allotted under this section to local units of administration.

III. SUPPORTIVE SERVICES

32-620a Student services support personnel

(a) The State Board of Education shall annually allot student

services support personnel to local units of administration on the basis of one per 400 pupils in average daily attendance in the local unit of administration, adjusted as provided for in sections 32-637a and 32-642a. Student services support personnel shall include, for the purposes of allotment under this section: elementary and secondary counselors; school psychologists; psychometrists; and visiting teachers.

(b) Further, the State Board of Education shall allot student services support personnel to local units of administration in the position category of job placement director on the basis of one per 5,000 pupils in average daily attendance in the local unit of administration during the first four months of the preceding school year, adjusted as provided for in sections 32-637a and 32-642a. The duties of the job placement director shall include, but not be limited to, assisting classroom teachers and other student services support personnel in the advisement of student services relative to career exploration experiences, work experiences and employment opportunities; the coordination of employment placement opportunities and activities with Employment Security Office of the State Labor Department; and to make follow-up reports and studies of the employment experiences and work history of high school graduates.

(c) The State Board of Education shall further allot student services support personnel to local units of administration in the position category of adult education guidance personnel on the basis of one per 400 adult educational and adult vocational education students in average daily attendance in the local unit during the first four months of the preceding school year, adjusted as provided for in sections 32-637a and 32-642a. The duties of adult educational guidance personnel shall include, but not be limited to, the assessment and determination of the educational achievement levels and needs of adult education and adult vocational education students; identify the availability of and help obtain the services of other State and local agencies for said students; develop career plans and objectives for said students; and assist in identifying, obtaining and retaining employment opportunities.

(d) The State Board of Education shall establish policies, procedures and regulations which will allow those local units of administration, which do not have sufficient enrollments to receive a full position allocation for job placement director and adult education guidance personnel as described and authorized in paragraphs (b) and (c) of this Section, to combine such partial allocations with other local units of administration for the purpose of obtaining the services of the personnel herein described or to transfer such partial allocation to a

Cooperative Education Service Agency for the purpose of obtaining the services described herein.

32-621a Administrative and supervisory services

(a) The State Board of Education shall annually allot administrative and supervisory personnel to local units of administration, except as provided for in this section, on the basis of one per 190 pupils in average daily attendance in the local unit of administration adjusted as provided for in sections 32-637a and 32-642a. Administrative and supervisory personnel positions provided by this allotment shall include, but not be limited to, principals, assistant principals, librarians, curriculum specialists, directors of curriculum and community school coordinators.

(b) The State Board of Education shall further allot professional central administrative personnel to all local units of administration on the basis of a one per 3,300 pupils in average daily attendance in the local unit of administration, adjusted as provided for in sections 32-637a and 32-642a. The administrative positions provided by this allotment shall include, but not be limited to, plant operations and maintenance, transportation, food service, instructional supervision, finance and business services, planning and evaluation and direction of community business services, planning and evaluation and direction of community school programs. For those local units of administration which do not earn sufficient central administration personnel, the State Board of Education is authorized to prescribe uniform requirements and procedures to allow a local unit of administration to utilize all or any part of its central administration personnel allotments in conjunction with one or more local units of administration or with a Cooperative Education Service Agency: Provided, however, personnel allotments earned under the provisions of this section may not be assigned for use as classroom teachers, or other personnel designated in subsection (a) of this Section.

(c) The State Board of Education shall be authorized to fund professional personnel positions to local units of administration as follows:

(1) preschool leadership positions on the basis of one to each 50 preschool instructional units; and

(2) special education leadership positions on the basis of one to each 40 special education instructional units.

(d) During the next school year the amount of funds distributed to any local unit for the purpose of funding the positions authorized in subsections (a), (b) and (c) hereof shall not be in excess of the amount

actually required by the local unit for payment of salaries of certificated professional personnel actually employed by the local units of administration. The amount of funds needed by a local unit to pay the salaries of certificated professional personnel shall be determined on a 10-month basis in accordance with the State minimum salary schedule provided for in section 32-656a. The State Board of Education is authorized to prescribe uniform requirements and minimum standards respecting utilization of State-allotted professional personnel.

32-622a Food services

(a) The State Board of Education shall annually determine the amount of funds needed to provide a Statewide school lunch program. The State Board shall, by regulation, provide for certifying and classifying school lunch supervisors and managers and establish training programs for school lunch personnel. The State Board of Education is hereby authorized to provide for the payment of operating costs of school lunchrooms, including breakfast costs for those students eligible under Federal guidelines, State supplements to the salaries paid such personnel by local units of administration and State incentive pay for satisfactory completion of such training programs. State funds shall be used to supplement Federal funds as a means of keeping sale prices within reach of paying children and of maximizing participation and quality of meals for all children.

(b) The State Board of Education is authorized to prescribe by appropriate rules and regulations that there may be included as part of the program of every public school in this State a course of instruction in nutrition, hygiene, etiquette and the social graces relating to the partaking of meals and is further authorized to allot funds, in a manner consistent with the funding for the other various components of the instructional program, for the reimbursement of costs to local units of administration for costs directly associated with this program. There shall be utilized in the course of instruction the full resources available to each individual school, including its cafeterias, school lunch personnel and all practical demonstrations in the preparation and consumption of food which shall be necessary to formulate a comprehensive course of instruction in such subject matter. Any period of the school day may be utilized for the teaching of this course of instruction, including that period usually reserved for the lunch period.

32-623a School health services

The State Board of Education shall devise, develop and implement uniform policies, regulations and procedures to ensure that the provision of school health services will be an integral part of the total

instructional process in each local unit of administration.

32-624a Clerical services

The State Board of Education shall provide funds to local units of administration for the purpose of employing clerical personnel for the purpose of relieving the classroom teacher and other professional personnel of routine clerical activities so that they may more properly, effectively and efficiently use their time in the instructional program or other program and activities supportive to the instructional program. The State Board of Education shall have the authority to establish minimum requirements and distribution, use and expenditure of funds allotted under this section.

32-625a Transportation

(a) The amount of funds needed by a county, area school, independent school system to pay expenses of pupil transportation shall be calculated by the State Board of Education in accordance with a schedule of standard transportation costs to be incurred by local units of administration in the operation of economical and efficient pupil transportation programs and a schedule of variable transportation costs or variable cost factors dependent upon circumstances prevailing in the several local units of administration which affect, in varying ways, the costs of pupil transportation authorized by this section: Provided, however, that the amount of funds to be actually distributed to any local unit of administration under provisions of this section during any school year shall not exceed the actual costs incurred by the local unit in transporting pupils to and from public schools, and costs of transporting to preschool programs all handicapped students either by minibus or other such transportation used by nonhandicapped children, including costs for transportation for handicapped children who must travel across county lines or away from their own school district within the State. It is further provided that the costs of the regular pupil transportation program receive full funding before funds are provided for transportation of students to and from places for the purpose of work experiences, training in instructional laboratories, and in other such field trips required of or integral to the various instructional components of the educational program. In establishing the schedule of standard and variable pupil transportation costs or cost factors for the purpose of allotting funds under this section, the State Board is, without limiting the generality of the foregoing, authorized to consider facts and circumstances such as the number and density of pupils transported in the local unit and the areas therein served by school busses, the suitability of school bus routes in the local unit, the suitability of the type and number of busses in the local unit, minimum

bus loads, transportation surveys, cost of transportation equipment and depreciation schedules therefor, the schedule of minimum salaries for school bus drivers established in accordance with subsection (b) of this section, the number of school bus drivers allotted to the local unit, maintenance, repair and operating costs of transportation equipment, climate and terrain, condition of roads used for the purpose of transporting pupils in the local unit, cost of liability insurance, cost of safety instruction and training for both bus drivers and students and such other facts and circumstances as the State Board may find to be relevant for the purpose of establishing such schedules and cost factors. The State Board shall have authority to establish minimum requirements and standards respecting use of funds allotted under this section.

(b) The State Board shall establish a schedule of uniform minimum salaries that shall be paid by local units to drivers of school busses, regardless of type of ownership, which shall be not less than \$200 per month for 12 months. The minimum salary schedule shall not apply to drivers of cars and other vehicles not designated as school busses. County, area school, or independent systems shall not pay to any bus driver in its employment a salary less than that prescribed by the uniform minimum salary schedule, but shall have the authority to supplement the salary of a bus driver employed by the county, area school, or independent system. The expense of purchasing, maintaining and operating such busses, regardless of type of ownership, shall not be considered in establishing the schedule of uniform minimum salaries for school bus drivers. The schedule of uniform minimum salaries shall be used as a standard cost item for the purpose of calculating the expense of pupil transportation under subsection (a) of this section. This section shall not apply to student or teacher drivers.

(c) If, and to the extent that, the State Board of Education obtains a State-bid price under provisions of section 32-668a on any standard item of equipment, supply or service used or obtained by local units in connection with or as a result of providing transportation services to pupils attending the public schools of such local units, or on any other standard expense incurred by local units, the standard transportation cost or allowance to be attributed to such item or expense under provisions of subsection (a) of this section shall be based upon an amount not in excess of the State-bid price on such item or expense.

(d) Pupils who live beyond one and one-half miles from the school to which they are assigned, according to the nearest practical route by school bus, shall be eligible to be counted as transported pupils for the purpose of calculating that portion of the expense of pupil transportation associated with transporting pupils from home to school

and from school to home as authorized under subsection (a) of this section, provided such pupils are actually transported to such school by school bus or other vehicle made available for this purpose by the local unit of administration. Any pupil who resides within the said mileage limitation shall not be eligible to be counted for school transportation State-aid purposes with the exception of handicapped students being transported to special programs.

(e) The State Board of Education is authorized to establish minimum specifications for vehicles used by local units for the purpose of transporting pupils to the public schools of the local unit, taking into account the facts and circumstances set forth in subsection (a) above, and is authorized to establish minimum standards and requirements respecting maintenance, repair, inspection and use of such vehicles and minimum qualifications for drivers of such vehicles, and all vehicles used and drivers employed for such purposes by local units, regardless of type of ownership of such vehicles, shall conform to such specifications, standards, requirements and qualifications: Provided, however, that the State Board of Education shall require, monitor and fund a program of safety instruction in the practices of safe riding and emergency bus evacuation drills for both school bus drivers and students riding school busses.

(f) The State Board of Education shall have the authority to allot funds for the transportation of all school age children residing on Sapelo Island to the mainland of the State for the purpose of attending school on the mainland.

(g) The State Board of Education shall adopt policies, procedures, regulations and other such requirements for the transportation and for the payment of all transportation costs, as described, defined and authorized in subsections (a), (b), (c), (d) and (e) of this section, for all the children with special needs identified by the various local units of administration; further, the State Board of Education shall allot funds to local units of administration for transportation costs for those children authorized by said local unit of administration to attend schools and programs of other local units of administration or when deemed necessary for adequate educational services.

(h) The State Board of Education is further directed and authorized to adopt policies and regulations relative to the use of minibusses for the transportation of students with special needs.

(i) Notwithstanding the foregoing provisions of this Section, funds to pay the expenses of pupil transportation shall be paid to an independent school system only when such funds are requested by the board of education of such independent school system. The funds for the expenses of pupil transportation shall be requested by the board of

education of the independent school system in its budget prepared pursuant to Section 66 of this Act, and if not budgeted therein, no expenses for pupil transportation shall be payable to the independent school system for the fiscal year covered by such budget. No provision of this Section or any other provision of this Act shall be construed to require the board of education of any independent school system to furnish pupil transportation services within such school system.

32-625a.1 Isolated schools; allotment of additional teachers, personnel and funds

The State Board of Education shall annually allot additional teachers and other certificated professional personnel, and additional funds needed for the purpose of paying the salaries of such personnel and funds provided for herein, based upon the allotment of instructional units, to local units of administration as may be necessary to assist local units in operating elementary and secondary schools which are, pursuant to provisions of this Section and regulations and standards prescribed by the State Board, classified as being "isolated schools", in such manner as to provide pupils attending such "isolated schools" an adequate program of education essentially comparable to that provided pupils attending public schools not coming within this classification. Any school with grades 1 through 12 classified by the State Board of Education, pursuant to heretofore existing law, as an "isolated school" on January 1, 1974, shall have a minimum of 9 State allotted teachers. Any school with grades 1 through 7 classified by the State Board of Education, pursuant to heretofore existing law, as an "isolated school" on January 1, 1974, shall have a minimum of 7 State allotted teachers. In addition to the isolated schools provided for herein, an "isolated school" shall mean an elementary or secondary public school which meets such standards or characteristics of isolation as shall be prescribed from time to time by the State Board of Education based upon consideration of factors such as size of the school, school population density, surrounding road conditions to include distance by the nearest passable road to another appropriate school, time required for transporting such pupils to another appropriate school, climatic and geographical conditions, and such other similar factors as the Board may, in its discretion, find relevant for the purpose of classifying a school as being isolated within the meaning of this Section. No local unit of administration shall be entitled to receive additional allotments of teachers, other personnel or State funds under provisions of this Section unless the local unit shall, at such time before the beginning of each school year for which such allotments are desired as the State Board may prescribe, make application to the State Board for

classification of a particular school or schools as "isolated" within the meaning of this Section, and submit to the State Board such proofs of isolation as the Board may require. Whether or not any school shall be termed an "isolated school" within the meaning of this Section, and regulations and standards prescribed by the State Board for this purpose, shall be a matter for determination by the State Board, and such determination shall, in the absence of a clear abuse of discretion, be final and conclusive. The State Board shall have authority to establish minimum requirements and standards respecting utilization of additional teachers and funds allotted under this Section.

32-626a Public libraries

(a) The State Board of Education shall annually determine and request of the General Assembly the amount of funds needed for county and regional public libraries of the State. This request shall include, but not be limited to, funds to provide library books and materials, salaries and travel for professional librarians, capital outlay for public library construction, and maintenance and operation. The amount for library books and materials shall be not less than 35 cents per person. Funds for the purpose of paying the salaries of librarians allotted shall be in accordance with regulations established by the State Board and the State minimum salary schedule for teachers and other certificated professional personnel. Public library funds shall be apportioned to county and regional public libraries in proportion to the area and population to be served by such libraries in accordance with regulations and minimum public library requirements prescribed by the State Board. All such funds shall be distributed directly to the regional or county library boards.

(b) The State Board of Education shall further make adequate provisions for staff, supplies, services, and facilities to operate and maintain special media equipment to meet the library needs of Georgia's blind and handicapped citizens.

(c) The State Board of Education shall further provide the staff, materials, equipment, and supplies to provide a book lending and information service to all county and regional public libraries in the State and to coordinate interlibrary cooperation and interchange of materials and information among all types of libraries.

(d) The State Board of Education is further authorized and empowered as the sole agency to receive Federal funds allotted to Georgia under Acts of Congress appropriating Federal funds for public libraries.

(e) The State Board of Education shall adopt policies and regulations to implement this Section.

32-627a Educational television

(a) The State Board of Education shall annually determine the cost of operating and maintaining the Statewide network of public school educational television stations, the Statewide cost of programming and the Statewide cost of production and purchase of video tapes and other materials used in the Statewide public school educational television program. Such Statewide costs, as determined by the Board, shall be paid entirely from State funds and shall not be considered in determining local units of administrations' share of the cost of supporting the Adequate Program for Education in Georgia.

(b) The State Board of Education shall further authorize, establish and implement an Educational Television Advisory Council for the purpose of developing and recommending a comprehensive plan to the State Board of Education. Such plan shall include, but not be limited to, reviewing the utilization of educational television for both instructional and public broadcasting purposes, the expansion of service and the purchase and/or construction of facilities or equipment.

IV. COOPERATIVE EDUCATION SERVICE AGENCIES

32-628a Purpose and objectives

The purpose of this Part is to establish cooperative educational service agencies for the purpose of sharing services which are designed to improve the effectiveness of the educational programs of member local school systems.

32-629a Definitions

The following words and terms, when used in this Part shall have the following meanings unless the context clearly requires a different meaning.

(a) A "cooperative education service area," hereinafter referred to as "service area," means a geographical area which shall contain more than a single county and which can be effectively and efficiently served by a single agency designed to share services across local school system lines.

(b) A "cooperative educational service agency," hereinafter referred to as "CESA," means the agency designed to provide and administer services and programs that cross local school system lines within the service area.

(c) "Cooperative educational service agency staff," hereinafter referred to as "staff," means the persons employed by a single CESA.

(d) "Local school system" means any county or independent school system of Georgia.

32-630a Cooperative education service areas

The State Board of Education shall establish service areas designed to provide the service needs of all of the State's existing local school systems. The initial establishment of cooperative educational service areas shall be substantially within the framework of the standard districts for the administration and planning of State and Federal programs, as approved on August 6, 1971, by the State Planning and Community Affairs Policy Board.

32-631a Establishment of Cooperative Educational Service Agencies

The State Board of Education shall adopt rules, regulations, procedures, standards and criteria for the establishment and operation of CESA's and shall establish a CESA to serve the local school systems within each service area in accordance with these rules, regulations, procedures, standards and criteria.

32-632a Board of control

(a) Each CESA shall be governed by a board of control. Each such board of control shall be composed of a local school system board member or the system superintendent as designated by each participating member local school system board of education. The board of control shall elect from its membership a chairman, vice-chairman and any other officers needed to function effectively. The CESA director, provided for by section 32-633a, shall serve as secretary and executive officer to the board of control, but he shall not be a voting member thereof.

(b) All laws and the policies and regulations of the State Board of Education applicable to local school systems and local school system boards of education shall be applicable to CESA's and their boards of control, unless explicitly stated otherwise in this Part. No board of control shall hold title to real property or levy or collect any taxes. No board of control shall expend or contract to expend any funds beyond the amount of funds that the board of control is legally authorized to receive and will, in fact, receive. Each board of control shall submit an annual report and an annual budget to the State Board of Education, in the manner prescribed by the State Board of Education, for review and approval.

(c) The State Board of Education shall be responsible for determining that the activities of each CESA and its board of control conform to both Constitutional and State laws, as well as the policies and regulations of the State Board of Education. The State Superintendent of Schools will prepare an annual report to the General Assembly, giving an assessment of the status and achievements of the

shared service programs in the State.

(d) Boards of control shall determine needs of school children in the area served by each CESA, establish priorities from those needs, and allocate resources accordingly. Boards of control shall annually review the progress and cost efficiency of CESA's in terms of their success and efficiency in meeting priorities. Efficiency shall be assessed by relating outputs to dollar inputs. Boards of control shall determine the procedures and activities of each CESA as related to the achievement of locally established objectives. Boards of control shall likewise establish job descriptions, personnel qualifications, salary scales and work schedules in terms of locally established priorities.

(e) The State Board of Education shall be responsible for developing procedures which shall maintain existing shared service to local school systems which are being transferred from an existing shared service project into a newly formed CESA. The boards of directors of shared service projects existing on June 30, 1972, shall be responsible for the assignment of and/or transfer of programs, personnel, equipment, materials and property assigned to existing shared service projects, and the State Board of Education shall hear any unresolved claims of local school systems which arise. The decision of the State Board of Education shall be final.

32-633a Director

Each board of control shall appoint and contract with a director who shall be the administrative and professional head of the CESA. The director shall be responsible for the administration of programs and services approved by the board of control and shall be the fiscal agent of said board.

32-634a Member school system

All local school systems located within a service area may become a member of the CESA serving that area, but a local school system shall not be considered a member of the CESA unless it is participating in one or more of the CESA's service programs or the local school system board of education has expressed its intent that the local school system plans to participate in one or more programs in the near future.

32-635a CESA staff

The CESA staff shall consist of those individuals authorized by the board of control to provide those services desired by the member systems.

32-636a Financing CESA's

The State Board shall grant \$90,000 to each CESA for basic

operating expenses. In addition to these basic grants, the State Board shall allocate annually not less than \$2 million in the aggregate to the individual CESA's on the basis of need. Policies, regulations and procedures for determining said need shall be established by the State Board of Education. All other financing will be based on contracts to supply service programs to member local school systems. The funds for these service programs, upon a contract approval basis, may be derived from local, State, Federal or private sources. A CESA may not receive directly from the State Board of Education any State funds originally intended or directed by this Chapter to local units of administration: Provided, however, that upon the official request of a local unit of administration, the State Board of Education may send directly to a CESA any funds allocated to the local unit of administration.

V. GRANTS TO LOCAL UNITS FOR OPERATION OF EDUCATIONAL PROGRAMS

32-637a Allotment of teachers and certified professional personnel; amount of funds needed for payment of salaries

(a) The State Board of Education shall annually allot teachers to local units of administration as provided in sections 32-610a and 32-612a. Such allotment shall be based on projected average daily attendance for the first four months of the school year made under rules adopted by the State Board of Education designed to project the average daily attendance for individual school systems, adjusted as provided for in section 32-642a: Provided, however, that during the next school year the amount of funds distributed to any local unit for this purpose shall not be in excess of the amount actually required by the local unit for payment of salaries of teachers actually employed by the local unit of administration. The amount of funds needed by a local unit to pay salaries of teachers shall be determined on a 10-months' basis in accordance with the State minimum salary schedule provided for in section 32-656a. The State Board of Education is authorized to prescribe uniform requirements and minimum standards respecting utilization of State-allotted teachers in public elementary and secondary schools of local units of administration: Provided, however, in the event that the General Assembly shall appropriate additional funds which are line-itemed for reducing the pupil-teacher ratio in any grade or grades, the allotment figures contained in this section shall be construed to be reduced to the figures contained in such line-item appropriation.

(b) The State Board of Education shall annually allot other certificated professional personnel to local units of administration as

provided in sections 32-620a and 32-621a. Such allotment shall be based on the projected ADA for the first four months of the school year, adjusted as provided for in section 32-642a: Provided, however, that during the next school year the amount of funds distributed to any local unit for this purpose shall not be in excess of the amount actually required by the local unit for payment of salaries of certificated professional personnel actually employed by the local units of administration. The amount of funds needed by a local unit to pay the salaries of certificated professional personnel shall be determined on a 10-months' basis in accordance with the State minimum salary schedule provided for in section 32-656a. The State Board of Education is authorized to prescribe uniform requirements and minimum standards respecting utilization of State-allotted professional personnel.

32-637a.1 Determination of average daily attendance; permissible exclusion

Whenever the State Board of Education determines the Average Daily Attendance under the provisions of this Act by basing its calculations upon Average Daily Attendance during a fixed number of months, the Board may exclude from such calculations any month during which the Average Daily Attendance was more than 15 percent lower than the Average Daily Attendance for the remainder of the period used as a base for their projection.

32-638a Calculated cost of instructional services

(a) The total amount of funds needed by a local unit of administration in order to provide the instructional services assured under the Adequate Program for Education in Georgia, as contemplated by provisions of this Chapter, shall be deemed to be the sum arrived at by adding the amount of funds, calculated in the manner provided for in this Chapter needed by the local unit of administration for the following purposes:

(1) payment for providing special education programs to meet the special needs of children as provided for in Section 32-605a;

(2) payment of preschool program expenses as provided for in Section 32-607a;

(3) payment of salaries of instructional personnel as provided for in sections 32-605a, 32-610a and 32-612a;

(4) purchase of instructional media as provided for in section 32-613a;

(5) purchase and repair of instructional equipment as provided for in section 32-614a;

(6) payment of maintenance and operation expenses as provided

for in section 32-615a;

(7) payment of sick and personal leave expenses as provided for in section 32-616a;

(8) payment of travel expenses as provided for in section 32-617a;

(9) payment of salaries of student services supportive personnel as provided for in section 32-620a;

(10) payment of salaries of administrative and supervisory personnel as provided for in section 32-621a;

(11) payment of salaries of clerical personnel as provided for in section 32-624a;

(12) payment of expenses of pupil transportation as provided for in section 32-625a; and

(13) payment of expenses for isolated schools as provided by section 32-625a.1.

(b) The sum arrived at in the manner provided above shall be known as the calculated cost of instructional services under the Adequate Program for Education in Georgia for a local unit of administration. The amount of State funds which shall be allocated to each local unit of administration in support of such program by the State Board of Education shall be the sum determined above as the calculated cost of providing an Adequate Program for Education in Georgia in the local unit in support of said program, less an amount which shall be determined in accordance with the financial ability of the local unit calculated in the manner as provided for in section 32-639a.

32-639a Calculation according to local financial ability of amount required for local support of the Adequate Program for Education in Georgia

(a) The State Board of Education shall calculate annually the amount of funds that each local unit of administration shall be required to raise to support its Adequate Program for Education in Georgia. Effective for the 1975-76 school year, beginning July 1, 1975, and for each year thereafter, the amount of such funds to be raised by each local unit of administration shall be calculated by multiplying the following by a percentage factor selected to produce a Statewide required local effort of at least \$78,500,000 but no more than \$78,600,000:

(1) For each county and independent school system, the percentage factor shall be applied to the total equalized adjusted school property tax digest of each system.

(2) For an area school system, the percentage factor shall be applied to the total equalized adjusted school property tax digest of

property located within such area school system.

(b) The amounts determined in accordance with the provisions of subsection (a) of this section shall be the amounts to be raised by each local unit of administration in support of the Adequate Program for Education in Georgia. The amount of the costs of the Adequate Program for Education in Georgia remaining after deducting the total amount to be raised by all local units of administration shall be paid entirely from State or Federal funds.

(c) The State Auditor shall furnish to the State Board of Education the sums of the current equalized adjusted school property tax digests in accordance with sections 92-7008 through 92-7012, relative to equalized adjusted school property tax digests as now or hereafter amended. The sums of the current equalized adjusted school property tax digests, as shown on the State Auditor's Ratio Study Reports, which are due on November 15 immediately preceding the beginning of a school year shall be used to make the calculations required by subsection (a) of this section for each school year.

32-640a Apportionment and distribution of Federal funds

All Federal funds received by the State Board of Education for purposes contained within this Chapter shall be apportioned and distributed by the State Board in a manner consistent with this Chapter as additional aid to local school units in defraying the cost involved in establishing and operating approved programs subject to such rules and regulations as may be prescribed by the State Board of Education and in accordance with the approved State plan for such programs, where applicable.

32-641a Additional allotment of State funds

In addition to the foregoing provisions of this Chapter, the State Board of Education shall or may, as the case may be, allot additional funds to local units of administration for purposes provided for in subsequent sections of this Chapter to the extent that funds may be appropriated by the General Assembly for such purposes. When additional funds are allotted to local units for purposes hereafter provided for, local units of administration shall provide local funds to match the State allotment of funds to the extent and in the manner provided in the subsequent sections of this Chapter.

32-642a Mid-term adjustment of allotments of personnel and State funds

The State Board shall require submission of official reports of attendance of pupils by local units of administration during the current

school year. Whenever the official attendance reports of any local unit shall show an increase in average daily attendance of pupils during the current school year, the State Board of Education shall, at least semiannually during such school year, increase the State contributed adequate program for education funds allotted to such local unit at the beginning of the current school year under sections 32-610a, 32-612a, 32-613a, 32-614a, 32-615a, 32-616a, 32-620a, 32-621a, and 32-624a, in proportion to the current increase in average daily attendance of pupils in the local unit and in accordance with the provisions of this Chapter. The State Board shall, at the beginning of each fiscal school year, set aside from the total appropriation for educational purposes an amount of money deemed sufficient to meet the needs of such mid-term adjustments.

32-643a Funds needed to provide electronic data processing services to local school systems

The State Board of Education through the Department of Administrative Services shall have authority to develop, in conjunction with local school systems, electronic data processing services in one or more geographical areas as designated by the State Board of Education. Funds appropriated for these services may be expended to implement this section.

32-644a Operation of summer school education programs by local units; State aid

The board of education of any local unit of administration may, in its discretion, provide for continued operation of one or more public schools of the local unit for a period of time beyond the normal school year provided for in this Chapter for the purpose of providing summer school education programs, to include remedial programs, continuation of prescribed school programs, enrichment school programs beyond prescribed school programs, accelerated school programs for gifted pupils, vocational school programs, special programs of education enumerated or coming within the scope of provisions of section 32-609a, and such other education programs as may be approved by the State Board: Provided, however, that all such programs shall meet and be offered in accordance with minimum standards, requirements and criteria as may be prescribed by the State Board. Teachers and other professional school personnel employed full time or part time during such period shall be paid additional salary based on the State minimum monthly salary schedule in proportion to the time and services rendered by such personnel. No additional State funds shall be allotted to local units in support of such programs unless specific provision is made

therefor by the State Board. The State Board of Education is hereby authorized, to the extent that funds may be available, to allot additional State funds to local units in support of all or any one or more of such summer school education programs. The extent to which additional State funds may be allotted local units in support of any one or more of such programs shall be determined by the State Board, but shall not in any event exceed the ratio of State funds to local funds made available to the local unit during the preceding school year in support of the calculated cost of providing an adequate program for education in the local unit during that school year. The State Board is authorized to determine the relative need for establishment of any one or more of the various summer school education programs enumerated above, to establish priorities for implementation of such programs, and to allot funds available for this purpose to local units of administration in support of those programs which the State Board may, in its discretion, deem to be most worthy of State financial support.

32-645a Year-round operation of schools

(a) It is declared to be a policy of the State of Georgia that every effort is to be made to utilize currently available educational facilities and equipment on a year-round basis.

(b) The State Board of Education shall certify that a local unit of administration has a year-round operation for one or more grade levels (or equivalent age levels) for any educational program as provided for in sections 32-604a through 32-609a and sections 32-618a and 32-619a, which meet the following criteria:

(1) that the operation of the program is for 220 official attendance days or more constituting four quarters or any plan for year-round operation approved by the State Board of Education;

(2) that for a student's first 165 or more days constituting three quarters or an equivalent plan approved by the State Board of Education, attendance shall be on a tuition free basis; and

(3) that the program is offered for all official attendance days in accordance with minimum standards, requirements and criteria as may be prescribed by the State Board.

(c) The allotment of instructional units and certified professional supportive personnel to a local unit of administration as provided for in sections 32-610a, 32-612a, 32-620a and 32-621a for any portion of a program of a local unit which is certified by the State Board as being operated on a year-round basis under this section shall be funded in accordance with the following procedure:

Add to the adjusted average daily attendance computed under section 32-637a a number equal to the number of students enrolled for

not less than 90 official attendance days during the fiscal year who do not attend during the period used in making the computation provided for in section 32-637a.

(d) The State Board of Education shall have the authority to prescribe minimum requirements and standards for the distribution, use and expenditure of funds allotted under this section: Provided, however, that upon implementation of this section on a Statewide basis or in any particular local unit of administration, State funds shall be made available to all local units or to the particular local unit, as the case may be, for such purposes on the same basis and at the same ratio at which State funds were made available to the local unit in support of the calculated cost of providing an adequate program for education in the local unit for students enrolled and attending 180 official attendance days during a fiscal year.

32-646a Reduction in allotment of State funds due to inadequate appropriation

The State Board of Education shall, to the extent necessary, reduce the amount of State funds to be allocated to local units in support of the Adequate Program for Education in Georgia or in support of any of the purposes for which State funds might be allotted to local units under provisions of this Chapter, if the amount of State funds appropriated in support of said program or in support of any one or more of the purposes for which allotments of funds are hereby provided for is not adequate to finance the cost of the State portion of said program or such purposes determined in accordance with the provisions of this Chapter.

VI. DISTRICT POWER EQUALIZATION

32-647a Equalizing fund for local units of administration

(a) The State Board of Education is hereby authorized and directed to establish an equalizing fund whereby State funds, in addition to the amounts otherwise provided for by this Chapter, shall be payable to certain local units of administration qualifying for such equalizing funds, as hereinafter provided.

(b) For the purposes of this section: (1) the guaranteed valuation school district shall be the school district ranking at the 90th percentile in dollars of assessed valuation per student in average daily attendance based on 40 percent of the equalized adjusted school property tax digests of the local units of administration, and (2) each local unit of administration having an assessed valuation per student in average daily attendance, based on 40 percent of such local unit's equalized

adjusted school property tax digest, ranking below said 90th percentile shall constitute a qualified local unit of administration for the purpose of receiving equalizing funds.

(c) Each qualified local unit of administration shall select annually its amount of expenditure per student in average daily attendance, in addition to its required local support pursuant to section 32-639a, if any, and 60 days prior to the beginning of each fiscal school year shall report said amount to the State Board of Education. For the purposes of receiving equalizing funds, as hereinafter provided, the selected per student in average daily attendance expenditure amount for any qualified local unit of administration shall not exceed \$100 or 125 percent of the amount for the immediately preceding fiscal school year, whichever is greater.

(d) The amount of equalizing funds payable to each qualified local unit of administration shall be calculated by the State Board of Education as follows:

(1) Determine the effective tax millage rate necessary to raise the local unit of administration's selected amount of expenditure per student in average daily attendance on the basis of the guaranteed valuation school district;

(2) apply the effective tax millage rate determined under paragraph (1) to the local unit of administration's assessed valuation per student in average daily attendance based on 40 percent of the local unit of administration's equalized adjusted school property tax digest;

(3) subtract the amount derived under paragraph (2) from the local unit of administration's selected amount of expenditure per student in average daily attendance, and multiply the result by the number of students in average daily attendance of the local unit of administration.

(e) The amount of equalizing funds payable to a qualified local unit of administration pursuant to subsection (d) of this section shall be reduced for each such local unit of administration failing to actually raise its selected amount of expenditure per student in average daily attendance. The amount of such reduction shall be in proportion to the difference between the amount actually raised and the selected per student expenditure amount.

(f) The State Board of Education shall make the calculations provided by this Section prior to the beginning of each fiscal school year and shall pay to each qualified local unit of administration one-twelfth of its respective equalizing funds for each month of each fiscal school year. The first equalizing funds shall be paid to qualified local units of administration during the 1974-75 fiscal school year, but

calculations for such equalizing funds shall be based on data for the 1973-74 fiscal school year. For the purposes of such calculations, the selected per student in average daily attendance expenditure amount of each qualified local unit of administration shall be the amount per student, in addition to required local effort pursuant to section 32-639a, actually raised by such local units of administration during the 1973-74 fiscal school year. Thereafter, calculations for equalizing funds shall be based on data for the immediately preceding fiscal school year, except for the selected amount of expenditure per student in average daily attendance which shall be based on the current fiscal school year.

(g) As used in this section:

(1) students in average daily attendance means the average daily attendance for the first official 80 days of the local unit of administration's resident students and students attending the local unit's schools pursuant to a contract having a term of 25 years or more, and

(2) equalized adjusted school property tax digests furnished to the State Board of Education pursuant to subsection (c) of section 32-639a, and

(3) effective tax millage means that millage applied to 40 percent of the equalized adjusted school property tax digest of the applicable school district.

(h) In the event sufficient funds are not appropriated to the State Board of Education to pay the full amount of equalizing funds payable to each qualified local unit of administration, as provided herein, the State Board shall determine the school district below the ninetieth percentile in dollars of assessed valuation per student in average daily attendance based on 40 percent of the equalized adjusted school property tax digest of the local units of administration to which local units can be equalized by the funds which are available and this school district shall be the guaranteed valuation school district for the purpose of this section for current fiscal year.

(i) The State Board of Education is hereby authorized and directed to adopt and promulgate such rules and regulations as said board deems necessary or desirable to implement and carry out the provisions of this section.

VII. CAPITAL OUTLAY FUNDS

32-648a Allotment of capital outlay funds; rules, regulations, etc.

(a) Capital outlay needs of local units of administration shall hereafter be determined by the State Board of Education on the basis of school system surveys, growth and development patterns within local

units of administration, school plant surveys, and such other criteria as the State Board may, from time to time and in its discretion, prescribe and require to be established on a current and long-range basis indicating present and anticipated future capital outlay needs of the several local units of administration. State capital outlay funds hereafter available for construction of capital facilities in or for the use of local units of administration shall be allotted to local units by the State Board on the basis of the respective current and long-range capital outlay needs of the several local units. The State Board shall, in determining the amount of State capital outlay funds to be allotted to or on behalf of a local unit of administration, consider the financial ability of the local unit to furnish local capital outlay funds from any existing unused bonding capacity of the local unit and the willingness of the local unit to levy millage and issue local bonds for capital outlay purposes. The State Board is authorized to enter into contracts with local units of administration for allotment of State capital outlay funds, and for utilization of local capital outlay funds, in making provision for construction of capital facilities needed by the local unit. The State Board of Education shall annually determine the facility needs of each school system for the next fiscal year and for four years thereafter.

(b) The provisions of any other law to the contrary notwithstanding, each local unit of administration is hereby authorized to accrue State capital outlay funds from year to year, up to a maximum of 10 years, in order to effectuate the purposes of the capital facilities plan of each local unit of administration which has been approved by the State Board of Education and which includes an assessment of needs related to the modernization, renovation or replacement of inadequate capital facilities.

(c) The term "capital facilities," as used in this Chapter, shall be deemed to include buildings, fixtures and equipment necessary or desirable for the effective and efficient operation of the public schools and all facilities related or incidental thereto, which, without limiting the generality of the foregoing, shall be deemed to include classrooms, libraries, laboratories, restrooms, equipment rooms, offices, teacher lounges, lunchrooms, lunch-assembly rooms, equipment and fixtures therefor, related exterior facilities, equipment and paving, and such other similar items as the State Board may, in its discretion, deem necessary for the effective and efficient operation of the public schools. The State Board is authorized to establish priorities for construction of such capital facilities for the purpose of making allotments of State capital outlay funds under the provisions of this section. Capital outlay funds may be allotted to local units of administration for the purpose

of constructing, renovating, altering or enlarging capital facilities.

(d) The State Board of Education may, in exercising its discretion in allotting capital outlay funds to local units under this section, consider the value to the particular local unit of administration in consolidating two or more schools within the local unit, or the value to two or more adjacent local units of administration in consolidating one or more schools located in each of the adjacent local units of administration provided the boards of education of the adjacent local units contract for the attendance of pupils at such consolidated school, as well as the need for such consolidations, and may allot funds for the purpose of providing facilities for such consolidated schools.

(e) The State Board of Education shall, notwithstanding any other provision of this Chapter but in aid of same, have authority, in its discretion, to establish uniform rules, regulations, policies, standards, requirements and criteria respecting all matters pertaining or relating to location, construction, equipping, operation, maintenance, use and consolidation of schools and school facilities as may be reasonably necessary to assure effective, efficient and economical operation of the schools and all phases of the public education program, and shall, for the purposes of this section, consider such matters in making future allotments of capital outlay funds. Without in any way limiting the generality of the foregoing, such matters may include method, manner, type and minimum specifications for construction of such facilities and installation of fixtures and equipment therein, amount of space to be provided per pupil, number and size of classrooms, areas to be served by such facilities, and such other matters as the State Board may consider important for such purposes.

(f) In the event any local unit of administration enters into a lease contract with the State School Building Authority or the Georgia State Financing and Investment Commission for the use of facilities for the Authority or Commission pursuant to a commitment by the State Board for future allotments of State capital outlay funds, the State Board of Education, upon receipt of an executed copy of said lease contract, is hereby authorized and directed to monthly, quarterly or annually pay to the Authority or Commission such part of such funds to be made available to the local unit of administration under this section as may be required to meet the terms of such lease contract.

(g) Notwithstanding the foregoing provisions of this section, the State Board of Education shall hereafter annually allot to or on behalf of each local unit of administration State capital outlay funds sufficient to meet commitments for allocation of State capital outlay funds entered into by and between the State Board of Education and the

boards of education of local units of administration under the 1960-61 State school building program. The State Board of Education shall make such allotments of State capital outlay funds from any funds available to the State Board of Education.

VIII. PROGRAM STANDARDS, ASSESSMENTS AND IMPROVEMENTS

32-649a Common minimum requirements for public schools

(a) The State Board of Education shall establish "common minimum requirements" which each public school facility must meet in order to be certified for use in any component of the educational or recreational programs of that school. Such minimum requirements shall include those provisions of law and/or State Board policy on matters related to fire and physical safety, sanitation and health, including temperature and ventilation, minimum space, size and configuration for the various components of the instructional program, and construction stability, quality and suitability for intended uses.

(b) The State Board of Education shall adopt policies and procedures to ensure that each school facility meets minimum standards as determined by State Board policy.

(c) A proposed plan of action which includes a list and description of each deficiency and time limits within which such deficiencies are to be corrected must be submitted to the State Board of Education for review and approval. Further, the State Board shall have the authority to withhold all or part of the State funds in support of the provisions of this Chapter from any unit of administration refusing or failing to implement the plan of action for deficiency remediation approved by the State Board.

32-650a Performance-based criteria for operation of instructional programs

The State Board of Education shall establish performance-based criteria upon which the instructional program of each public school will be evaluated so as to assure, to the greatest extent possible, equal and adequate educational programs, curricula, course offerings, opportunities and facilities for all students of Georgia's public schools, and economy and efficiency in administration and operation of each local unit of administration and public schools therein.

32-651a Statewide assessment program, local assessment program, funds for the local program

(a) The State Board of Education shall adopt such instruments, procedures and policies as deemed necessary to assess the effectiveness

of the educational programs of the State. Such assessments will be made at least once annually, at a minimum of three grade levels, and on a Statewide basis. The State Board shall annually cause a readiness test to be administered early during a child's first year in school.

32-652a Training of public school administrators relative to program improvement, program improvement plan, program to improve instructional and system services

(a) The State Board of Education shall provide an extensive and continuing training program for practicing public school administrators, including at least system superintendents, school principals and instructional supervisors, which is designed to expand their knowledge and skills necessary to plan and manage a systematic program to improve instructional and supportive services. The State Board of Education shall be authorized to reimburse such administration for actual expenses which result directly from participating in this program, if the Board deems it to be necessary. The State Board shall be also authorized to reimburse the expense of supply teachers employed to directly or indirectly replace such administrators, if the Board deems it to be necessary.

**IX. POWERS AND DUTIES OF STATE BOARD OF
EDUCATION, STATE SUPERINTENDENT OF SCHOOLS
AND LOCAL UNITS OF ADMINISTRATION**

32-653a Powers and duties of the State Board of Education

The State Board of Education shall adopt and prescribe all rules, regulations and policies required by provisions of this Chapter, and shall adopt and prescribe such other rules, regulations and policies as may be reasonably necessary or advisable for proper implementation, enforcement and carrying out of provisions of this Chapter, and other public school laws, or for assuring a more economical and efficient operation of the public schools of this State, or any phase of public education in the public schools of this State. The State Board shall establish and enforce minimum standards for operation of all phases of public school education in Georgia and for operation of all public elementary and secondary schools and local units of school administration in Georgia so as to assure, to the greatest extent possible, equal and adequate educational programs, curricula, offerings, opportunities and facilities for all Georgia's children and youth, and economy and efficiency in administration and operation of public schools and public school systems throughout the State. The State Board shall have the power to perform all duties and to exercise all

responsibilities vested in it by provisions of law for the improvement of public education in the public elementary and secondary schools of Georgia. All rules, regulations, policies and standards adopted or prescribed by the State Board in carrying out the provisions of this Act and other school laws shall, if not in conflict therewith, have the full force and effect of law.

32-654a Organization of the State Department of Education

The State Board of Education is hereby authorized, after consultation with the State Superintendent of Schools, to organize and reorganize the State Department of Education and the various offices, divisions, sections and units thereof and to prescribe the duties, functions and operations of each at such times and in such manner as the State Board may deem necessary or desirable for the more economical or effective organization, administration or functioning of the department.

32-655a Certification and classification

(a) Certification and classification of professional school personnel; revocation of certificates, definitions: The State Board of Education shall provide, by regulation, for certifying and classifying all teachers and other certificated professional personnel employed in the public schools of this State, and no such personnel shall be employed in the public schools of this State unless they shall hold a certificate issued by the State Board certifying to his or her qualifications and classification in accordance with such regulations. The State Board shall establish such number of classifications of teachers and other certificated professional personnel as the board may, in its discretion, find reasonably necessary or desirable in the operation of the public schools: Provided, however, that such classification shall be based only upon academic, technical and professional training and experience, and competency of such personnel. The State Board is authorized to provide, by regulation, for revoking or denying certificates for good cause, after investigation is had and notice and hearing is provided the certificate holder. The State Board shall, by regulation, define the term "certificated professional personnel," as used in this Chapter, and shall designate and define the various classifications of professional personnel employed in the public schools of this State that shall be required to be certificated under the provisions of this section. Without limiting the generality of the foregoing, the term "certificated professional personnel" shall be deemed to include principals, instructional supervisors, visiting teachers, school librarians, guidance counselors and county or regional librarians.

(b) Certification and classification of paraprofessional school; revocation of certificates; definitions:

(1) "licensed personnel" in this context includes paraprofessionals and aides;

(2) "paraprofessional" is a person with less than professional-level certification who relates in role and function to a professional and who does a portion of the professional's job or task under the supervision of a professional. Implied in the definition is the fact that the paraprofessional has some decision-making authority, limited and regulated by their relationship with the professional;

(3) "aide" is a person with less than professional training who takes no independent actions and has no decision-making authority, but performs routine tasks assigned by higher certificated personnel; and

(4) "permitted personnel" do not qualify for a professional certificate, but will function in the education programs in the same manner as certificated personnel. Such personnel qualify for their position on the basis of experience rather than formal education. The State Board of Education shall provide, by regulation and policy, for the classification of all licensed and permitted personnel employed in the public schools of this State, and no such personnel shall be employed in the public schools of this State unless they meet such minimum criteria as developed by the State Board of Education: Provided, however, that such classifications shall be based only upon academic, technical and professional training and experience of such personnel. The State Board is authorized to provide, by regulation, for revoking or denying certificates for good cause, after investigation is had and notice and hearing is provided to certificate holder.

(c) After July 1, 1976, any person certified as a teacher, principal or guidance counselor pursuant to subsection (a) of this Section shall have satisfactorily completed a course of five or more quarter hours, approved by the State Board of Education, in the identification and education of children who have special educational needs, or shall have satisfactorily completed an equivalent preparation in a staff development program designed to assist teachers, principals and guidance counselors in the identification and education of children who have special educational needs, provided such staff development program shall have received prior approval of the State Board of Education. As used herein, "children who have special educational needs" means such children as defined by Section 5 of this Act. Those teachers, principals and guidance counselors of other states who would be employed and certified in Georgia schools but lack the requirements of this provision shall have a period of one year from date of

employment to obtain this prescribed training. Teachers already certificated in Georgia shall have until their re-certification date or one year, whichever is greater, to comply with this Act. Anyone taking this course shall receive credit toward certification and in step raises for this course.

32-656a Schedule of minimum salaries; supplementing salaries by local units

The State Board of Education shall establish a schedule of minimum salaries for services rendered which shall be on a 10-month basis and which shall be paid by local units of administration to the various classifications of professional personnel required to be certificated by the State Board. Said minimum salary schedule shall be established on an index basis, and shall provide a minimum base salary for each classification of professional personnel required to be certificated, shall provide for increment increases above the minimum base salary of each classification of such personnel based upon the individual experience and length of service of such personnel and such other uniformly applicable factors as the State Board may, in its discretion, find relevant to the establishment of such a schedule, and shall include an annual increase equal to or greater than the increase in the cost of living as determined by the U. S. Department of Labor, Bureau of Labor Statistics until such time as Georgia teachers' salaries reach the national average: Provided, however, that if the latest available revenue growth rate for Georgia is less than the cost of living increase called for in this Section, the increase shall be not less than the cumulative revenue growth rate for Georgia as reported by the Georgia Department of Revenue through December 31 of the preceding calendar year. Said minimum salary schedule shall in all other respects be uniform, with no differentiation being made on the basis of subjects or grades taught. The State Board is hereby authorized to modify and adjust the minimum salary schedule at such times and in such manner as the board may, in its discretion, find reasonably necessary and advisable for the more efficient operation of the public schools of this State. An index salary schedule shall be construed to mean a type of salary schedule established upon a set of relationships respecting salaries to be paid personnel according to various classifications, such relationships to be expressed as ratios which are above or below an index value of 100 to be attributed to certificated professional personnel with a bachelor's degree and no experience. All State funds now or hereafter made available to the State Board for the purpose of paying salaries of teachers or other certificated professional personnel employed by local units of administration shall be made available to local units and to

such personnel employed by them in accordance with the index schedule of minimum salaries. Local units of administration shall not pay to any teacher or other certificated professional personnel in its employment a salary less than that prescribed by the index schedule of minimum salaries. Local units of administration may, however, supplement the salaries of such personnel, and in fixing the amount thereof may take into consideration the nature of duties to be performed, the responsibility of the position held, the subject matter or grades to be taught, and the experience and individual worth of the particular personnel whose salary is being supplemented. Supplements paid shall, in all other respects, be uniform.

32-657a Required curriculum; instruction in municipal, county, State and Federal Governments; instruction in the essentials of the United States and Georgia histories and Constitutions

All elementary and secondary schools which receive in any manner funds from the State shall provide the following course offerings and in the manner prescribed by the State Board of Education. (a) The State Board of Education shall prescribe a course of study in the background, history and development of the Federal and State Governments. The course in the study of Federal and State Governments shall be supplemented in each high school by a study of the local and county and municipal governments. No student shall be eligible to receive a diploma from high school unless said student has successfully completed the course in government as provided for by this section.

(b) The State Board of Education shall prescribe a course of study in the history of the United States and in the history of Georgia, and in the essentials of the United States and Georgia Constitutions, including the study of American institutions and ideals to be offered at the high school level. No student shall be eligible to receive a diploma from a high school, unless said student has successfully completed the courses in history and Constitutions provided for by this section.

32-658a Public school year; public school day

(a) Public elementary and secondary schools of this State receiving State aid under the provisions of this Chapter shall be operated so as to provide that each eligible student has access to no less than 180 school days of education. The State Board of Education shall define the 180 days of education and the length of school day within each fiscal school year. Each fiscal school year shall begin on the first day of July and end on the thirtieth day of June of the following year.

(b) The provisions of this section or any other provision of this Chapter to the contrary notwithstanding, when the President of the

United States proclaims a National emergency, or when the Governor of the State of Georgia proclaims a state of emergency, or when, because of disaster, civil disturbance or a shortage of vital and critical material, supplies or fuel, the continued operation of the public schools according to the definitions of school year, school month, or school day is impractical or impossible, then the State Board of Education shall have the power to authorize local boards of education to depart from a strict interpretation of these definitions, and such departure need not be uniform throughout the State; it being the intent of this sentence to allow the continuation of public school education in this State under the unusual conditions described herein.

32-659a State agency for surplus property; cooperative agreements

The State Board of Education is hereby authorized to establish and operate a State agency for surplus property for the purpose of distributing surplus properties made available by the Federal Government under the provisions of Public Law 152, 81st Congress, as amended, to institutions, organizations, agencies and others as may now or hereafter be eligible to receive such surplus properties pursuant to applicable provisions of Federal Law. The State Board of Education may enter into or authorize the State agency for surplus property to enter into cooperative agreements with the Department of Health, Education and Welfare of the Federal Government for the use of surplus properties by the State agency, and for providing administrative assistance in the transfer of title to real property from the Federal Government to institutions, organizations, agencies, and others as may now or hereafter be eligible to receive such properties pursuant to applicable provisions of Federal law.

32-660a Powers and duties of the State Superintendent of Schools

The State Superintendent of Schools shall be the executive officer of the State Board of Education, the administrative officer of the State Department of Education, and shall be responsible for the administration and enforcement of all provisions of this Chapter and other school laws in accordance with the provision of such laws and rules, regulations, policies and standards adopted or prescribed by the State Board of Education for the implementation, administration or enforcement of such laws.

32-661a Local units of school administration; eligibility to receive State funds

All county, independent and area public school boards in this State, established pursuant to provisions of law, shall be local units of

administration for the purposes of this Chapter, except where other specific provisions are made. The qualifications, manner and time of selection, election or appointment, tenure, State compensation if provided for, and powers and duties of superintendents and members of boards of education of the several local units of administration shall be as prescribed by law: Provided, however, that such superintendents and members of local boards of education shall comply with, execute and enforce the provisions of this Chapter and other school laws, and provisions of rules, regulations, policies and standards adopted by the State Board of Education pursuant thereto, in order to render the respective local units of administration eligible to receive State funds under the provisions of this Chapter.

32-662a Local units of school administration; employment of personnel

(a) All teachers, principals, other certificated professional personnel, and all other school personnel of local units of administration shall be employed by local boards of education on the recommendation of the superintendent of schools of the local unit. Minimum qualifications for employment of all school personnel may be prescribed by the State Board of Education unless otherwise provided by law. Employment contracts of teachers, principals, other certificated professional personnel shall be in writing and shall be signed in duplicate by such personnel on their own behalf and by the local superintendent of schools on behalf of the local board of education.

(b) Any other provisions of this Chapter or any other laws to the contrary notwithstanding, local boards of education shall tender a new contract for the ensuing school year to every teacher on the payroll of the local school system at the beginning of the preceding school year, except teachers who have resigned or who have been terminated, by April 15 of each year or notify any such teacher that they are not going to rehire him for the ensuing school year. The notification shall be in writing.

(c) Any other provisions of this Act or any other laws to the contrary notwithstanding, no local board of education shall employ any person as a teacher who has been discharged from the armed forces of the United States with a dishonorable discharge as a result of desertion or any person who has fled or removed himself from the United States for the purpose of avoiding or evading military service in the armed forces of the United States excluding those who have been fully pardoned.

32-663a Pupils attending school in adjacent local units of

administration; allotment of State funds; contracts between local units

Notwithstanding the foregoing provisions of this Chapter and other school laws, the State Board of Education is hereby authorized to provide, by regulation, a procedure and manner whereby a pupil shall, for such compelling reasons and circumstances as may be defined and specified by the State Board, be permitted to attend and be included as an enrolled pupil in average daily attendance in the public schools of a local unit of administration immediately adjacent to the local unit of administration wherein the pupil resides for the purpose of allotting State funds under the provisions of this Chapter, notwithstanding absence of an agreement between the two adjacent local units and a refusal by the board of education of the local unit wherein the pupil resides to voluntarily approve such transfer of a pupil to the public schools of the adjacent local unit: Provided, however, that the board of education of the adjacent local unit is willing to receive and permit such pupil to enroll in and attend the public schools of such local unit. The State Board shall adopt such rules, regulations and policies as may be necessary for implementation of this section. Grant or refusal of permission for pupils to attend such schools, for the purpose of permitting State funds to follow such pupils, shall be entirely discretionary with the State Board and shall, in the absence of a clear abuse of discretion by the board, be final and conclusive. Local units of administration may contract with each other for the care, education and transportation of pupils and for such other activities as they may be authorized by law to perform.

32-664a Voter registration; excused absences

Each student in the public schools of the State of Georgia, upon attaining the age of 18 years, shall be apprised of his right to register as an elector and vote in elections upon attaining the age of 18 years. The State Board of Education shall promulgate rules and regulations to carry out the provisions of this section. An excused absence of a student, as determined by the local unit of administration, not to exceed one school day, shall not be counted against any local unit of administration in ascertaining "average daily attendance."

32-664a.1 Pledge of Allegiance to the flag

Each student in the public schools of the State of Georgia shall be afforded the opportunity to recite the Pledge of Allegiance to the flag of the United States of America during each school day. It shall be the duty of each local board of education to establish a policy setting the time and manner for recitation of the Pledge of Allegiance. Said policy shall be established in writing and shall be distributed to each teacher within the school.

32-665a Financial procedures established

For the purpose of promoting economy and efficiency in the financial operation of local school systems, keeping all school expenditures within estimated receipts and balances, and to facilitate financial review audits of local school system operations, and to determine conformance of school operations with provisions of law, the State Board of Education is hereby authorized to establish a uniform budget and accounting system and to establish uniform regulations to be implemented by local school boards. These regulations shall include, but not be limited to, the following: (a) forms, (b) classifications of accounts, (c) codes for data processing machines, and (d) regular reporting procedures. In addition, the State Board of Education is authorized to prescribe information that must be submitted to the State Board and the time it must be submitted. In order to ensure compliance with this Act, the State Board is authorized to establish a financial review section for the limited purpose of reviewing financial records and accounting of local boards.

32-666a Budget procedures established

The State Board of Education is hereby authorized to establish a uniform budgeting system to be implemented by local school boards and to prescribe a date each local board must submit a budget to the State Board. The regulations developed by the State Board must make adequate provision for local review and modification prior to local approval and submittal to the State Superintendent of Schools. The State Superintendent shall provide for the examination and preparation of a written report on the budget of each local unit and submit a copy to the State Board and the respective local board of education. The State Board shall either accept or reject the budget of a local unit. If the State Board rejects the budget of a local unit, the local board shall receive written notification and within 30 days must either make the required changes or request an appeal as provided for in section 32-669a.

32-667a Withholding of State funds due to failure to provide local funds

In the event a local unit of administration fails to provide or use the amount of local funds required to be raised and used by the local unit in support of the cost of the Adequate Program for Education in Georgia in the local unit during any school year, determined in accordance with provisions of this Chapter, the State Board of Education shall calculate the percentage which the deficiency in local funds represents of the total local funds required to be raised and used

by the local unit and reduce the amount of State funds allotted to the local unit by the same percentage until such time as the local unit provides or uses, as the case may be, the required amount of local funds or makes adequate provision for providing or using the same to the satisfaction of the State Board. If State funds allotted to a local unit have been distributed to the local unit when such failure of the local unit is ascertained, or if an audit of operations of the local unit shows that the local unit did not during the preceding or past fiscal school year actually provide or use the amount of local funds required by provisions of this Chapter and the approved local budget of the local unit for that year, the State Board of Education shall, for the next ensuing fiscal school year, reduce the amount of State-contributed Adequate Program for Education funds to be allotted to the local unit by an equivalent amount of money and correspondingly increase the amount of local funds to be supplied by the local unit for that fiscal school year by the same amount of money. The State Board of Education shall in any event before withholding or reducing the amount of State funds to be distributed to a local unit under this section, notify the local unit of the intention of the Board to withhold or reduce the allotment of State funds to the local unit, and state the reasons for such action. The board of education of the local unit shall be entitled to an appeal as provided for in section 32-669a.

32-668a State bids on standard items of school equipment, supplies and services

(a) The State Board of Education shall, from time to time, determine, through study and after consultation with the Director of Purchasing and Supplies Division of the Department of Administrative Services, representatives of local units of administration, and such others as the board may deem it advisable to consult with, whether an overall substantial price advantage to local units of administration may be obtained by means of a combined bid by local units through the State Superintendent of Schools and the Department of Administrative Services on standard items of school equipment, supplies or services, or other standard expenses, to be designated by the State Board, ordinarily needed, procured or incurred by local units during the fiscal school year, without a sacrifice of safety or quality. If the State Board shall determine that such a price advantage to local units may be obtained by such means on any one or more of such items or expenses, the State Board shall, after consultation with such persons, establish sets of uniform standard specifications for such item or items as may reasonably be required in order to meet the various needs and requirements of the several local units of administration. Local units of

administration shall, at such times as the State Board shall prescribe, report the probable annual requirement of the local unit for such standard items to the State Board and the requested time for future delivery of such items. The State Board shall compile such requirements and submit a compilation of the same to the Department of Administrative Services, together with such other information as may be needed or otherwise requested by the Department of Administrative Services for the purpose of advertising for bids for a uniform State price on such items.

(b) The Department of Administrative Services shall advertise for bids for supply of such items in the same manner followed for State purchases: Provided, however, that the Department of Administrative Services shall inform prospective bidders that the bid requested is for the furnishing of such items to the designated local units of administration at the times specified on the basis of a single State price applicable to all local units of administration, that payment for such items as may be purchased by local units shall be made by the respective local units of administration to the bidder, that no guarantee is made that any purchases will be made from the successful bidder as a result of such bidding, and such other information as shall be appropriate under the circumstances. The Department of Administrative Services shall, upon receipt of bids, process the same in the same manner followed for State purchases and promptly notify the State Board of Education of the name of the successful bidder, and such other available information as may be required by the State Board. The State Board shall promptly forward such information to all local units of administration.

(c) Local units of administration are free to obtain competitive bids from vendors on such standard items of school equipment, supplies, services or expenses, based upon uniform specifications established for such items by the State Board, and may purchase such items from the vendor submitting the best bid therefor to the local unit whether or not the bid price of such vendor is greater or less than the State bid price on such items: Provided, however, that whenever a local unit purchases such standard items at a price in excess of the State bid price for such items, the State Board shall, when computing standard costs for allotment of State funds, disallow the excess cost paid for such items by the local unit. The State Board shall prescribe regulations necessary for implementation and enforcement of provisions of this section, and is authorized to establish minimum standards and uniform standard specifications and procedures for the purchase, distribution, use and maintenance, as the case may be, of school equipment, supplies,

services and expenses, as may be designated by the State Board, whether or not State bid prices are obtained on such items.

32-669a Withholding of funds from local units; appeal

In the event a local unit of administration shall fail to comply with any provision of this Chapter, or other school laws, or any provision of rules, regulations, policies, standards or requirements established by the State Board, or the terms of any contract with the State Board, the State Board may, in its discretion, withhold from such local unit all or any part of the State-contributed Adequate Program for Education in Georgia funds allotted to such local unit under provisions of this Chapter until such time as full compliance is made by the local unit. The State Board shall, before withholding such funds, notify the local unit of its intention to withhold such funds and state the reasons for such action. The board of education of the local unit shall be entitled to a hearing on such matter before such funds are withheld provided the local board requests such hearing within 30 days from receipt of such notification. If the local board of education feels itself aggrieved by the final decision of the State Board following such hearing, the local board shall have the right to obtain judicial review of such decision, on the record made before the State Board, by filing an appeal in the superior court of the county of the local unit affected. Such appeal shall plainly specify the decision complained of, the questions in dispute, the decision of the State Board, the relief sought by the local board, and the contentions of the local board. Said appeal shall be based upon the record as a whole established at the time of the hearing before the State Board. A transcript of the testimony and other evidence adduced before the State Board at the time of such hearing shall be prepared and certified as true and correct by the State Superintendent of Schools and filed in the court within 30 days after the date of service of a copy of the appeal upon the State Superintendent of Schools, or within such other time as the court may allow. The decision of the State Board on appeal shall not be set aside if based upon any substantial evidence in the record, considering the record as a whole. The court may, in its discretion, whether or not the same be prayed for in the appeal, remand such matter for future proceedings or findings on such directions or terms as may be specified in the order of the court. Proceedings for review of the final judgment of the court shall follow the same course which is now or may hereafter be prescribed for other civil actions in the superior court.

32-670a Distribution of State funds

The State Board of Education shall, by regulation, provide for

distribution of State funds allotted to local units under this Chapter and budgets approved by the State Board. In determining the time and manner for distribution of State funds, the State Board may, in its discretion, consider the time at which local school tax funds shall be collected and made available to the several local units of administration, and is hereby authorized to provide for distribution of State funds to local units at such times and in such manner as will most likely meet the periodic needs of local units for the State allotted funds, provided State funds appropriated for such purposes are available at such times. State funds to be distributed to local units under provisions of this Chapter shall be withdrawn from the State treasury on requisitions to be signed by the State Superintendent of Schools, which shall be in accordance with the provisions of such regulations and directions of the State Board.

32-671a Chapter to be administered pursuant to budget laws

The standards set forth in sections 32-610a through 32-621a, 32-624a and 32-625a, and in such other sections as such minimum requirements for funds shall appear, shall be construed as setting out a basic plan for the direction of the State Board of Education in planning a program and presenting proposals to the Governor and to the General Assembly. Nothing in this Chapter shall be construed as amending or modifying in any way Chapter 40-4 known as the "Budget Act," or any appropriation Act which is presently in force and effect. The State Board of Education shall, in all of its programs involving allocation or expenditure of funds, be governed and controlled by the provisions of such Budget Act, such appropriation Acts, and all other laws of general application pertaining to the handling and expenditure of State funds, none of which Acts or laws are amended, modified or repealed by this Chapter unless specifically so provided in this Chapter.

32-672a Coordination with other State agencies

The State Board of Education shall be empowered to form in conjunction with other State agencies certain comprehensive boards as needed to ensure the provision of a comprehensive educational program for the students of Georgia.

The State Board of Education and the Georgia Board of Human Resources shall hereby establish a Coordinating Committee for Exceptional Individuals and Preschool Programs not later than July 1, 1974. The committee shall meet at least once every quarter and consist of no less than three members from each of the departments operated under the two boards, including at least one individual at one of the top two levels of management.

Editorial Note

Acts 1974, p. 1045, which enacted this Chapter, repealed the following sections and Chapters:

§ 32-509

Chapter 32-21A

Chapter 32-6

Chapter 32-21B

§§ 32-705, 32-706, 32-724

§§ 32-812, 32-441, 32-2806

Chapter 32-15

Chapter 32-35

Chapter 32-40

The Act then provided that: To the extent that the provisions of this Act conflict with the provisions of any heretofore existing laws not specifically repealed by this Act, it is the intention of the General Assembly that the provisions of this Act shall control, but to the extent that such laws do not conflict with the provisions of this Act, then this Act is hereby declared to be cumulative of and supplemental to such heretofore existing laws.

The effective date of this Act is July 1, 1975.